

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:05-CV-00329 GKF (SAJ)
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

PARTIALLY UNOPPOSED MOTION FOR EXTENSION OF TIME

COMES NOW the Plaintiff, State of Oklahoma, pursuant to Fed.R.Civ.P. 7(b) and Local Civil Rule 7.2(g), and respectfully requests that this Court issue an Order extending until August 8, 2007 the time in which the Plaintiff will produce its electronically stored information as described below. In support of this Motion, Plaintiff shows the Court as follows:

1. Plaintiff has committed to the Court to produce its electronically stored information on August 1, 2007.
2. The Plaintiff, State of Oklahoma, moves the Court to extend an additional week for it to complete its production of e-mails for the Oklahoma Department of Environmental Quality and Oklahoma Conservation Commission. In support of this motion, Plaintiff shows:
3. Plaintiff has conferred with Defendants counsel and they have stated they have no objection to this request as it relates to the ODEQ e-mails. Defendants did not agree to this motion as it relates to the OCC e-mails.
4. Plaintiff has previously produced to the Poultry Integrator Defendants 80 gigabytes on July 2, 2007, on a portable hard drive and today is producing 4.1 additional gigabytes and making available another 96.8 additional gigabytes on the server of the Oklahoma Conservation Commission. This production includes files and e-mails from various state agencies. With the limited exceptions set out below, Plaintiff has produced responsive e-mails from the Oklahoma Water Resources Board; Oklahoma Scenic Rivers Commission; Oklahoma Conservation Commission; Oklahoma Secretary of the Environment; and Oklahoma Department of Wildlife Conservation.

5. This completes Plaintiff's August 1, 2007 ESI production with the exception of the following:

a. Oklahoma Department of Environmental Quality e-mails from October 2006 to present.

b. Due to a technical problem, a limited number of e-mails from the Oklahoma Conservation Commission which were previously reviewed for responsiveness and privilege must be reviewed a second time.

6. In addition to the above, the Defendants have requested ESI from the Oklahoma Department of Agriculture, Food and Forestry, Oklahoma Department of Tourism, Oklahoma Corporation Commission, Oklahoma Department of Mines, Oklahoma Department of Wildlife Conservation and the Oklahoma Department of Health. The State will be searching these additional agencies for ESI and will work with the Defendants' to produce this information.

7. In the course of preparing this production it was discovered that there are a few employees in ODEQ and OWRB who continued their previous practice of deleting e-mails after the litigation hold went into effect. An investigation has been started to determine how this happened and the State Auditor and Inspector, who has staff with expertise in recovering such data is working to determine the extent to which this data can be recovered. Plaintiff intends to report to the Court and Defendants on both of these efforts at the earliest possible time, but at least provide an initial report one week from today.

8. This extension of time sought by Plaintiff is sought in good faith and not for the purpose of delay.

9. Granting this Motion will not delay or adversely affect any trial date.

WHEREFORE, Plaintiff requests that this Court grant Plaintiff's Unopposed Motion for Extension of Time and the Court enter an Order requiring Plaintiff produce its electronically stored information on or before August 8, 2007.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2007, I electronically transmitted the above and foregoing pleading to the Clerk of the Court using the ECF System for filing and a transmittal of a Notice of Electronic Filing to the following ECF registrants:

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